

Chris O'Doherty
RAIB relationship and recommendation handling manager
Tel No: 020 7282 3752
Email: chris.o'doherty@orr.gsi.gov.uk



1 August 2013

Ms Carolyn Griffiths
Chief Inspector of Accidents
Cullen House
Berkshire Copse Road
Aldershot
Hampshire GU11 2HP

Dear Carolyn

RAIB report: Container train accident near Althorpe Park, Northamptonshire

I write to report on the consideration given and actions taken in respect of recommendation 4 addressed to ORR in the above report published on 9 August 2012.

The annex to this letter provides the detail of the consideration and actions where recommendation 4 has been implemented¹. I also attach a copy of the DB Schenker intermodal in-gate process.

We do not intend to take any further action in relation to this recommendation unless we become aware of an inaccuracy in what we have reported in which case we will write to you again²

We expect to publish this response on our website on 16 August 2013.

Yours Sincerely

¹ In accordance with Regulation 12(b)(ii) of the railways (Accident Investigation and Reporting) Regulations 2005

² In accordance with Regulation 12(c)



Chris O'Doherty

1. Recommendations 1 – 3 were addressed to HSE and recommendation 4 was addressed to ORR when the report was published on 9 August 2012.
2. After considering the recommendations ORR passed recommendation 4 to all Freight Operating Companies asking them to consider and where appropriate act upon it and advise ORR of its conclusions.
3. Recommendations 1 – 3, being addressed to another public body are not included in this response. The consideration given to recommendation 4 is included below.

Recommendation 4

The intention of this recommendation is that rail freight operators have arrangements in place sufficient to manage the risk associated with the structural integrity of freight containers carried on the railway. These management arrangements should not be solely reliant on visual checks, because structural defects may be hidden.

Management of the risk could be achieved through:

- *demonstration of compliance to safety requirements (e.g. of the CSC), and, where necessary, additional actions to address risks not covered; or*
- *structural assessments by a suitable qualified and experienced person.*

Implementation of the above could be through setting specific contractual requirements or by checking that there is evidence when accepting the container onto the railway.

Note: once Recommendation 2 (International Maritime Organization to issue a safety brief) or Recommendation 3 (updating of the CSC) has been implemented, compliance with the CSC would be sufficient in its own right.

Freightliner should review its current operating procedures and conditions of acceptance for freight containers. It should confirm that the arrangements in place to ensure that containers (including any externally attached structures) have been assessed as having sufficient structural integrity are sufficient for the risk posed

Actions taken or being taken to address the recommendation

On Route Logistics

4. On Route Logistics have advised that they currently do not run any trains. The ROGS Safety Certificate that ORL held was “surrendered” two years ago and On Route Logistics have moved away from running its own train services.
5. On Route Logistics intend to set up a terminal for the loading of bio – products. Should this be the case, then On route Logistics will follow the requirements of the ORR, RSSB Group Standards etc, and ensure all requirements and recommendations are implemented and followed.

Status – Non implementation, the recommendation does not apply to On Route Logistics

GB Railfreight

6. The response below was received from GB Railfreight 24 October 2012

On completion of build, Load Units are inspected as fit for purpose and if found to be satisfactory by the relevant authorising registration authority Lloyds / Veritas are plated with a CSC plate; this allows the unit to be used worldwide. If a Load Unit has been subject to modifications it shall be required to be tested and re-registered.

Load Units are not to be accepted for rail transport, without a CSC plate. This is the confirmation of conformity

On checking the load units, any that are found with modifications, examples; side doors, side panels, roof doors, non standard Tilts, additional equipment bolted or welded on, whether CSC plated or not new design containers/ tank units, swap bodies, and there is any doubt as to the integrity of a unit, the following must be contacted for approval to move by rail

Operations Safety & Compliance Manager

Head of Safety

Head of Engineering

If none of the above respond please advise GBRf control

(In the first instance contact by Telephone, followed by wherever possible by photographic details).

We are issuing a Misc Operating Notice to this effect with a following amendment to our General Operating Appendix GOA A8 (Container Loading).

ORR decision

7. ORR in reviewing the response and considering the documents provided by GB Railfreight has concluded that in accordance with the Railway (Accident Investigation and Reporting) Regulations 2005, it has:

- taken the recommendation into consideration; and
- taken action to implement it

8. We do not intend to take any further action unless we become aware of an inaccuracy in which case we will write to RAIB again.

Status: Implemented

Freightliner

9. The response below was received from Freightliner on 24 October 2012

We indeed have reviewed acceptance procedures detailed below and introduced into the Operations Manual, such actions would stop a repeat incident, therefore feel the recommendation other than covered by the revision is unacceptable.

Revision as issued to all locations 01-09-2011. Supersedes emergency operating message

4.5 CONTAINERS OR SWAP BODIES (LOAD UNITS) Revised 01-09-2011

On completion of build, Load Units are tested as fit for purpose and if found to be satisfactory by the relevant authorising registration authority are plated with a CSC plate, this allows the unit to be used worldwide. If a Load Unit has been subject to modifications it will be required to be tested and re-registered

Load Units are not to be accepted for rail transport, other than traffic flows for which there are Freightliner authorized movement requirements (Loading Standards)

Any load units with modifications or fitted with, examples; side doors, side panels, roof doors, non standard Tilts, additional equipment bolted or welded on, whether CSC plated or not, this also includes any new or refurbished units other than non standard.

If there is any doubt as to the integrity of a unit, the following must be contacted for approval to move by rail.

Professional Head of Rail Operations Safety Security Intermodal 07702090432

Compliance Manager Intermodal 07715404117

Assurance Manager Intermodal 07525393017

If none of the above responds please advise HQ control

In the first instance contact by Telephone, followed by wherever possible by photographic details

ORR decision

10. ORR in reviewing the response and considering the documents provided by Freightliner has concluded that in accordance with the Railway (Accident Investigation and Reporting) Regulations 2005, it has:

- taken the recommendation into consideration; and
- has taken action to implement it

11. We do not intend to take any further action unless we become aware of an inaccuracy in which case we will write to RAIB again.

Status: Implemented

Colas

12. The response below from Colas Rail was received on 25 October 2012:

The Strategic Plant Team of the Colas Rail, Rail Services Division operates a Kirow crane and Rail Mounted Maintenance Machines which requires the use of a limited

number of Colas Rail owned containers. These containers are not available for hire to other train operators or the Colas Rail freight section; they are solely for the use of the Strategic Plant Team. The containers can be interchanged with other Colas Rail owned wagons and transported by other freight operating companies where required. The limited number of containers are checked for security on a regular basis with each wagon having its own inspection record held by the Strategic Plant Team.

Colas Rail does not own Multi-Purpose Rail Vehicles but where these vehicles are hauled under a contract with the owner/client it will first be determined that either a current Vehicle Acceptance Body certificate and/or a maintenance history file will be made available prior to a transit move taking place. The modules hauled typically take the form of water tanks, messing modules, generating sets and other railhead treatment modules but can also include overhead line equipment maintenance and installation plant. Mounted modules will not have CSC approval plates and therefore it is the responsibility of both the consignor and Colas rail to ensure they are fit to enter traffic.

Subsequent to the findings of the RAIB report on the Althorpe Park incident, Colas Rail's internal procedure "New Freight Traffic Acceptance Procedure" has been reviewed and modified to include details on new acceptance processes including the need for a CSC plate to be displayed on containers, a picture of a CSC Safety Approval Plate has also been added to the procedure to aid clarity.

ORR decision

13. ORR in reviewing the response and considering the documents provided by Colas operators has concluded that in accordance with the Railway (Accident Investigation and Reporting) Regulations 2005, it has:

- taken the recommendation into consideration; and
- taken action to implement it

14. We do not intend to take any further action unless we become aware of an inaccuracy in which case we will write to RAIB again.

Status: Implemented

Devon and Cornwall Railways

15. The information below was received from Devon and Cornwall Railways on 9 November 2012

As a background to our response DCR is principally a freight operating company, however DCR do not currently operate intermodal/ containerised traffic. DCR have reviewed the RAIB report and in particular its recommendation 4 and describe its actions and justifications to those below:

To ensure that the risks associated with the duty holders' activities are understood, documented and controlled, DCR are in the process of producing of a company safety risk model including the processes used for the management of risk. The process includes new traffic flow approvals which ensures the robustness of the arrangements by which DCR ensure that all planning, engineering, operational, financial and HSQE implications are taken into consideration during the acceptance of new or amended traffic flows and to ensure that the specific risks associated with the introduction of a new or amended traffic flow have been assessed and controlled and that the operation has had formal approval from the appropriate 'professional head(s). The report and recommendations from the RIAB investigation will be taken into account in the above process if and when DCR take on any intermodal/containerised traffic. Any output and controls from any new traffic approval in relation to the recommendation will be forwarded to yourselves for your record

Status – Non implementation, the recommendation does not apply to Devon and Cornwall Railways

DB Schenker

16. The information below was received from DB Schenker on 20 November 2012:

We do not accept that this is an appropriate recommendation, on the basis that it is impracticable for us to undertake a structural assessment of each container that is being carried for shipment.'

Staff undertaking the in gate process have been briefed on the need to check for loose, or what appear to be missing, components. This requirement is contained within our 'Loading & Standards Manual, and ongoing staff competence assessments address this issue.

We believe that we are undertaking all reasonably practicable measures in respect of this issue.

17. ORR did not accept that DB Schenker had fully explained the actions it took regarding a container where the structural integrity was suspect. DB Schenker also made no reference to CSC plates as other freight operators had. We wrote to DB Schenker on 17 December 2012 asking for clarification of these issues.

18. In response DB Schenker forwarded to ORR a copy of its intermodal in-gate check process on 31 December 2012. ORR has considered this document and can confirm that DB Schenker has procedures to confirm the presence of the CSC plate on a container when accepting it; and what actions are required if a problematic container is identified. We attach the document for your information.

ORR decision

19. ORR in reviewing the responses and considering provided by DB Schenker has concluded that in accordance with the Railway (Accident Investigation and Reporting) Regulations 2005, it has:

- taken the recommendation into consideration; and
- taken action to implement it

20. We do not intend to take any further action unless we become aware of an inaccuracy in which case we will write to RAIB again.

Status: Implemented

Direct Rail Services (DRS)

21. The information below was received from DRS on 4 October 2012:

DRS will write to all customers for whom it conveys freight units on DRS services, stating that as a condition of contract all load units presented for travel should be fit for purpose and maintained in accordance with current legislation.

22. ORR wrote to DRS on 17 December 2012 asking it to confirm that a CSC plate must be on the container before it is accepted. DRS have provided a copy of the letter it sent to its intermodal customers, this is reproduced below

Please find attached a copy of the RAIB Report into a 'Container Train Accident near Althorpe Park, Northamptonshire, 18.07.11'.

The report questions the approval process for containers and swapbodies and the standards against which they are approved. The report also questions the process used by Rail Freight Operators to manage the risks associated with structural integrity of freight containers/swapbodies. Recommendation 4 of the report suggests that the risk could be more effectively managed by demonstrating that a load unit has an in date CSC plate or by structural assessments by a suitable qualified & experienced person.

Due to the report and proposed recommendations DRS require that it is now a condition of contract and responsibility of the customer to ensure that all units presented for conveyance are CSC plated and form part of an on-going maintenance programme which assesses structural integrity and suitability for rail travel. Any units which are not CSC plated, which require conveyance by rail should be notified to DRS no later than 10 days prior to travel in order that the DRS Loads and Gauging Engineer can assess the unit as being fit for travel on the rail network.

Should this notification not be forthcoming and any non CSC plated unit be presented for rail travel, DRS have no option but to reject the unit for onward travel via the rail network.

Please confirm by return your acknowledgment of this notice and confirm that you have a maintenance regime in place for all units you convey by rail, which will meet current legislative requirements. DRS reserve the right to audit you against this maintenance regime in due course.

It is the responsibility of the customer to ensure that the details and requirements laid down in this notice are communicated to and acknowledged by any of your customers, who may present units through you, to be conveyed on DRS Rail services.

We require a response from you no later than Monday 22nd October 2012.

ORR decision

23. ORR in reviewing the responses and considering provided by DRS has concluded that in accordance with the Railway (Accident Investigation and Reporting) Regulations 2005, it has:

- taken the recommendation into consideration; and
- taken action to implement it

24. We do not intend to take any further action unless we become aware of an inaccuracy in which case we will write to RAIB again.

Status: Implemented